



Federal Communications Commission
Washington, D.C. 20554

February 1, 2019

By U.S. Mail and electronic mail

Mr. Charles Zink
MuckRock News, Dept MR 65245
411A Highland Ave
Somerville, MA 02144

Email: 65245-07531280@requests.muckrock.com

RE: FCC FOIA Control No. 2019-131

Dear Mr. Zink:

This letter concerns your Freedom of Information Act (FOIA) request received by the Federal Communications Commission (FCC), submitted December 11, 2018, perfected December 11, 2018, and assigned FCC FOIA Control Number 2019-131 (FOIA Request). Your FOIA request seeks information about a tower located at 43.696087, -93.020507, Or 43°41'45.9"N 93°01'13.7"W, near the junction of County Road 27, and 240th St, near 515th Avenue, Lansing Township, Minnesota. You indicated that the tower was above 60 meters. We contacted you by email on December 31, 2018 to provide notice that we needed to extend the response time by ten days. Due to lapse in funding, the FCC was shutdown at the time our response was due. The FCC reopened on January 28, 2019, and we are responding to you as soon as possible post-shutdown.

The Wireless Telecommunications Bureau searched for responsive records. No responsive records were located. We could not locate the tower at either the latitude and longitude or location provided in your request. FCC cellular and wireless licensees are licensed to use frequencies on antennas mounted on towers. Generally, tower records may be accessed in the publicly available FCC Antenna Structure Registration System (ASR), at <http://wireless.fcc.gov/antenna/>. If the tower is 200 feet (60.96 meters) or taller, or within the glide slope of an airport, the tower owner must register the tower in ASR. To search the ASR database, you need the FCC registration number, coordinates of the tower, or the state and county where the tower is located. If there are any communications or documentation about a registered tower in ASR, it is available in the database. If you need assistance, please call the FCC Licensing Support Center at (877) 480-3201.

The FCC does not maintain records for towers below 200 feet unless the tower is within the glide slope of an airport. You also may be able to obtain information about the tower in the publicly available records of the local authority that approved construction of the tower.

We are required by both the FOIA and the Commission's own rules to charge requesters certain fees associated with the costs of searching for, reviewing, and duplicating the sought after information.¹ To calculate the appropriate fee, requesters are classified as: (1) commercial use requesters; (2) educational requesters, non-commercial scientific organizations, or representatives of the news media; or (3) all other requesters.²

Pursuant to section 0.466(a)(8) of the Commission's rules, you have been classified for fee purposes as category (3), "all other requesters."³ As an "all other requester," the Commission assesses charges to recover the full, reasonable direct cost of searching for and reproducing records that are responsive to the request; however, you are entitled to be furnished with the first 100 pages of reproduction and the first two hours of search time without charge under section 0.470(a)(3)(i) of the Commission's rules.⁴ The production did not involve more than 100 pages of duplication and took less than two hours of search time. Therefore, you will not be charged any fees.

If you consider this to be a denial of your FOIA request, you may seek review by filing an application for review with the Office of General Counsel. An application for review must be *received* by the Commission within 90 calendar days of the date of this letter.⁵ You may file an application for review by mailing the application to Federal Communications Commission, Office of General Counsel, 445 12th St SW, Washington, DC 20554, or you may file your application for review electronically by e-mailing it to FOIA-Appeal@fcc.gov. Please caption the envelope (or subject line, if via e-mail) and the application itself as "Review of Freedom of Information Action."

If you would like to discuss this response before filing an application for review to attempt to resolve your dispute without going through the appeals process, you may contact the Commission's FOIA Public Liaison for assistance at:

FOIA Public Liaison
Federal Communications Commission, Office of the Managing Director, Performance Evaluation and Records Management
445 12th St SW, Washington, DC 20554
202-418-0440
FOIA-Public-Liaison@fcc.gov

If you are unable to resolve your FOIA dispute through the Commission's FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office,

¹ See 5 U.S.C. § 552(a)(4)(A), 47 C.F.R. § 0.470.

² 47 C.F.R. § 0.470.

³ 47 C.F.R. § 0.466(a)(8).

⁴ 47 C.F.R. § 0.470(a)(3)(i).

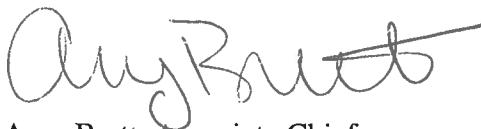
⁵ 47 C.F.R. §§ 0.461(j), 1.115; 47 C.F.R. § 1.7 (documents are considered filed with the Commission upon their receipt at the location designated by the Commission).

offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road—OGIS
College Park, MD 20740-6001
202-741-5770 877-684-6448
ogis@nara.gov
ogis.archives.gov

If you have any questions, please call Don Johnson 202-418-7444.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Brett".

Amy Brett, Associate Chief
Competition and Infrastructure Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission

cc: FCC FOIA Office

